

REMARKS

The last Office Action has been carefully considered.

Claims 11-13 are objected to due to their preambles being inconsistent with one of Claim 10, on which claims 11-13 depend.

Claim 13 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite due to lack of clarity for the recitation “a number of incorrect screw driving operations.”

Claims 1-2, 4-5, 10 and 14 are rejected under 35 U.S.C. § 102(b) as being anticipated by Majic (U.S. Pat. No. 4,787,136).

Claims 3, 9, and 11-13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Majic in view of Totsu (U.S. Pat. App. Pub. No. 2004/0050566).

Claims 6 and 8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Majic in view of Setton et al. (U.S. Pat. App. Pub. No. 2003/0173096).

Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Majic in view of Bitzer (U.S. Pat. No. 4,571,696).

Claims 1-15 are pending in the present application, with Claim 15 being new, and Claims 1 and 15 being independent claims.

Claims 1-3, 7-8, 10, and 13 are amended. No new subject matter is presented.

Regarding the objection to Claim 13, the above amendments are believed to overcome the objection.

Regarding the rejection of Claim 3 under 35 U.S.C. § 112, second paragraph, the above amendments are believed to overcome the rejection.

Regarding the rejection of Claim 1 under 35 U.S.C. § 102(b), the Examiner states that Majic anticipates each and every limitation of the claim. Amended Claim 1 teaches, in part, a method for producing a screw connection by a cutout screwdriver (10) that terminates a screw driving operation, wherein data relating to the screw driving operation are detected and evaluated by an evaluation circuit (18) being integrated in the cutout screwdriver.

Majic discloses a method for producing a screw connection by a cutout screwdriver 10 that terminates a screw driving operation (Abstract; Fig. 1; col. 1 lines 49-61, col. 6 lines 21-26), wherein data relating to the screw driving operation are evaluated by an evaluation circuit 15 (Abstract; Fig. 1; col. 6 lines 36-43). Majic explicitly teaches the data are evaluated by the evaluation circuit 15 (Abstract; col. 6 lines 36-43), which is distinct from and outside of the screwdriver 10 (Fig. 1). Majic hints nowhere an evaluation circuit being integrated in the screwdriver 10, thus the screwdriver of Majic has no capability

to evaluate the data. By contrast, the data in the present application are evaluated by the evaluation circuit 15, which is integrated in the cutout screwdriver 10. Majic fails to disclose at least the limitation of *data relating to the operation are detected and evaluated by an evaluation circuit being integrated in the cutout screwdriver* taught by Amended Claim 1.

Clearly, Amended Claim 1 structurally differs from Majic.

Regarding new independent Claim 15, no known art anticipates the claim, or renders the claim obvious.

In view of the preceding amendments and remarks, it is respectfully submitted that all of the pending claims, namely, Claims 1-15, are in condition for allowance.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place this case in condition for final allowance, then it is respectfully requested that such amendments or corrections be carried out by Examiner's Amendment, and the case be passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance; he is invited to telephone the undersigned (at 631-549-4700).

Respectfully submitted,



Michael J. Striker
Attorney for Applicant
Reg. No. 27233